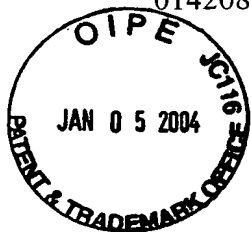


1-8-04  
ATTORNEY DOCKET NO.  
014208.1498 (93-02-010)

AF \$  
PATENT APPLICATION  
10/076,729



1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rod W. Lawing et al.  
Serial No.: 10/076,729  
Filing Date: February 15, 2002  
Examiner: Philip B. Tran  
Group Art Unit: 2155  
Title: *Method and System for Central Management of a Computer Network*

RECEIVED

JAN 13 2004

Technology Center 2100

**MAIL STOP: APPEAL BRIEF**

Commissioner For Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

CERTIFICATE OF MAILING  
BY EXPRESS MAIL

I hereby certify that this communication is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Mail Stop: Appeal Brief, Commissioner For Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

*Willie Jiles*

Willie Jiles

Date: January 5, 2004

Exp. Mail Receipt No. EV 323450876 US

**Transmittal for Appeal Brief and Fee**

This transmittal letter and its enclosures are being deposited with the United States Post Office to Addressee under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Mail Stop: Appeal Brief, Commissioner For Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. The Commissioner is hereby authorized to charge the fee of \$330.00 (Fee Code 1402) under 37 CFR §1.17(c) for filing of the Appeal Brief to Deposit Account No. 05-0765 of Electronic Data Systems Corporation.

ATTORNEY DOCKET NO.  
014208.1498 (93-02-010)



PATENT APPLICATION  
10/076,729

2

The Commissioner is further authorized to credit any overpayment and charge any additional fee required by this paper, to Deposit Account No. 05-0765 of Electronic Data Systems Corporation. **This transmittal letter is submitted in duplicate.**

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicants

Travis W. Thomas  
Reg. No. 48,667

**RECEIVED**

JAN 13 2004

Technology Center 2100

Date: January 5, 2004

**Correspondence Address:**  
Baker Botts L.L.P.  
2001 Ross Avenue, Suite 600  
Dallas, Texas 75201-2980  
Tel. 214-953-6676

**Customer Number: 35005**



**In The United States Patent and Trademark Office  
On Appeal From The Examiner To The Board  
of Patent Appeals and Interferences**

In re Application of: Rod W. Lawing et al.

Serial No.: 10/076,729

Filing Date: February 15, 2002

Examiner: Philip B. Tran

Group Art Unit: 2155

Title: *Method and System for Central Management of a Computer Network*

**RECEIVED**

**JAN 13 2004**

**Technology Center 2100**

**MAIL STOP: APPEAL BRIEF**  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

**CERTIFICATE OF MAILING  
BY EXPRESS MAIL**

I hereby certify that this communication is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Mail Stop: Appeal Brief, Commissioner For Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

*Willie Jiles*

Willie Jiles

Date: January 5, 2004

Exp. Mail Receipt No. EV 323450876 US

**Appeal Brief**

Appellants have appealed to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed October 27, 2003, finally rejecting all Claims. Appellants are filing a Notice of Appeal with this Appeal Brief. Appellants respectfully submit this Appeal Brief in triplicate with the statutory fee of \$330.00.

**Real Party in Interest**

This Application is currently owned by Electronic Data Systems Corporation as indicated by an Assignment recorded on April 10, 2002 in the Assignment Records of the United States Patent and Trademark Office at Reel 012793, Frames 0751-0756.

**Related Appeals and Interferences**

There are no known appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision regarding this Appeal.

**Status of Claims**

Claims 1-43 stand rejected pursuant to a final Office Action mailed August 8, 2003, and are all presented for appeal. All pending claims are shown in Appendix A.

**Status of Amendments**

All amendments submitted by Appellants have been entered by the Examiner.

**Summary of Invention**

Particular embodiments provide central management of network deployment, maintenance, and support. (Page 9, Lines 6-8). A network administrator may globally manage and resolve problems on multiple workstations from one central management station. (Page 9, Lines 8-10). A login routine may set and maintain network and personal computer (PC) configurations, initiate virus scanning, and initiate system hardware and software checks and maintenance, and a launch manager may control programs executed by a startup routine at login. (Page 9, Lines 10-15). These tools may reduce labor requirements associated with managing workstations in local area networks (LANs) and wide area networks (WANs), disruptions that may result from operating system (OS) and application upgrades, time requirements associated with resolving problems by distributing patches and configuration upgrades, and delivery time associated application setup and installation. (Page 9, Lines 15-22; Page 16, Lines 21-29).

In particular embodiments, the login routine may reside on a network host that executes the login routine at network clients when the network clients log into the network

host. (Page 10, Lines 9-11). The login routine may configure the network client, and, on completion of configuration of the network client by the login routine, systems policies may take effect. (Page 10, Line 12, through Page 12, Line 3). A startup routine may then be executed during startup of the network client to direct the network client to install predetermined local utilities and load predetermined network utilities. (Page 12, Lines 3-11). In addition, in particular embodiments, a consistent configuration layer may maintain service packs and patches and interfaces with a utility tool subsystem to provide application and OS updates to network clients. (Page 18, Lines 16-20). A utility tool subsystem may be executed when a network client logs in so that changes may be made to an OS of and applications at the network client before a user accesses a desktop associated with the network client. (Page 18, Lines 20-23).

Accordingly, particular embodiments may, in addition or as an alternative to automatically directing a network client to install various utilities, automatically manage configuration of an OS of a network client.

#### **Issue**

Are independent Claims 1, 9, 17, 22, and 29 patentable over U.S. Patent No. 5,742,829 to Davis et al. ("*Davis*") under 35 U.S.C. § 102(e)?

#### **Grouping of Claims**

To reduce the burden on the Board, all pending claims may be grouped together as a single group.

#### **Argument**

The rejection of Claims 1-18, 20-29, 31-35, and 39-43 as being unpatentable over *Davis* under 35 U.S.C. § 102(e) is improper and should be reversed by the Board. The rejection of Claims 19, 30, and 36-38 as being unpatentable over *Davis* under 35 U.S.C. § 103(a) is improper and should be reversed by the Board.

**A. Overview**

Claims 1-18, 20-29, 31-35, and 39-43 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over *Davis*. Claims 19, 30, and 36-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Davis*. A copy of *Davis* is provided in Appendix B. Appellants respectfully submit that *Davis* fails to disclose, teach, or suggest limitations recited in independent Claims 1, 9, 17, 22, and 29. Appellants respectfully submit that these rejections are improper and should be reversed by the Board.

**B. Standard**

A prior art reference anticipates a claim “only if *each and every element* as set forth in the claim is found, either expressly or inherently described,” in that reference. *Verdegaal Bros. v. Union Oil Co.*, 814 F.2d 628, 631 (Fed. Cir. 1987) (emphasis added); *see also* M.P.E.P. ch. 2131 (Rev. 1, Feb. 2003) (quoting *Verdegaal Bros.*, 814 F.2d at 631); M.P.E.P. ch. 706.02 (Rev. 1, Feb. 2003) (“[F]or anticipation under 35 U.S.C. § 102, the reference must teach *every aspect* of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present.”). In addition, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989); *see also* M.P.E.P. ch. 2131 (Rev. 1, Feb. 2003) (quoting *Richardson*, 868 F.2d at 1236).

**C. Davis**

*Davis* merely discloses automatically installing software on heterogeneous client computer systems. (Abstract). In particular, *Davis* discloses, in a distributed system having heterogeneous computers systems or different natural languages, different operating system types, and/or different processor types, automatically installing the appropriate edition of software onto client computers. (Abstract). An edition of software appropriate for execution on a particular processor type, with a particular operating system type, and in a particular natural language is installed by utilizing commands specific to an operating system type. (Abstract). According to *Davis*, the software is automatically installed in response to the availability of a new version of the software, a change in the operating system of the client computer, a change in the associated natural language of the client computer, or input of the administrator of the distributed system. (Abstract). *Davis* also discloses automatically

deinstalling (or deleting) software from client computers as well as automatically installing software on client computers. (Column 11, Lines 33-37).

**D. Claims 1-43**

Claims 1-18, 20-29, 31-35, and 39-43 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over *Davis*. Claims 19, 30, and 36-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Davis*. Appellants respectfully submit that *Davis* fails to disclose, teach, or suggest limitations recited in independent Claims 1, 9, 17, 22, and 29. Appellants respectfully submit that these rejections are improper and should be reversed by the Board.

Independent Claim 1 of this Application recites the following:

A method for centrally managing plural network clients interfaced with a network host, the method comprising the steps of:

initiating a login script at a network client, the login script calling a login routine associated with the network host that operationally manages the configuration of the network client;

installing a start-up routine with the login routine, the start-up routine associated with the network client;

using the start-up routine to determine an operating system of the network client; and

managing configuration of the operating system of the network client with the start-up routine according to the operating system of the network client.

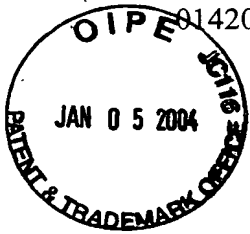
Independent Claims 9, 17, 22, and 29 recite certain substantially similar limitations.

*Davis* fails to disclose, teach, or suggest limitations recited in independent Claim 1. As an example, despite the Examiner's assertions to the contrary, *Davis* clearly fails to disclose, teach, or suggest ***managing configuration of an operating system of a network client***, as recited in independent Claim 1. The Examiner asserts that, in *Davis*, "determining and managing the configuration of the network client are carried out." (October 27, 2003, Advisory Action, Page 2; August 8, 2003, Final Office Action, Page 3). However, even assuming for the sake of argument that *Davis* did in fact disclose configuration of a network client, *Davis* would still fail to disclose, teach, or suggest managing configuration of an

*operating system* of the network client. *Davis* merely discloses installing, at heterogeneous client computers, appropriate editions of software for execution with particular operating system types. Nowhere does *Davis* even suggest managing the configuration of those operating systems.

The Examiner cites to various portions of *Davis* to support the Examiner's assertion that, in *Davis*, "determining and managing the configuration of the network client are carried out." (October 27, 2003, Advisory Action, Page 2; August 8, 2003, Final Office Action, Page 3). Appellants respectfully submit that none of the portions of *Davis* cited by the Examiner discloses, teaches, or suggests managing configuration of an *operating system* of a network client. Instead, the portions of *Davis* cited by the Examiner merely disclose installing software at a network client and a user being validated when the user attempts to log into a network. (See Abstract; Figures 3 to 5B; Column 2, Lines 45-67; Column 5, Line 51, through Column 6, Line 9; and Column 11, Lines 47-49).

For at least these reasons, *Davis* fails to disclose, teach, or suggest limitations recited in independent Claims 1, 9, 17, 22, and 29. Independent Claims 1, 9, 17, 22, and 29 and all their dependent claims are therefore patentable over *Davis*. Appellants respectfully submit that the Examiner's rejections are improper and should be reversed by the Board.



**Conclusion**

Appellants have demonstrated that the present invention, as claimed, is clearly distinguishable over the prior art cited by the Examiner. Therefore, Appellants respectfully request the Board of Patent Appeals and Interferences to reverse the final rejection of the Examiner and instruct the Examiner to issue a Notice of Allowance with respect to all pending claims.

Appellants have enclosed a check in the amount of \$330.00 for this Appeal Brief. Appellants believe no additional fees are due. Nonetheless, the Commissioner is hereby authorized to charge any fee and credit any overpayment to Deposit Account Number 05-0765 of Electronic Data Systems Corporation.

Respectfully submitted,

BAKER BOTTS L.L.P.  
Attorneys for Appellants

Travis W Thomas  
Reg. No. 48,667

**Date:** January 5, 2004

**Correspondence Address:**  
Baker Botts L.L.P.  
2001 Ross Avenue, Suite 600  
Dallas, Texas 75201  
Tel. 214.953.6676

**Customer Number:** **35005**

**Appendix A**

1. A method for centrally managing plural network clients interfaced with a network host, the method comprising the steps of:

initiating a login script at a network client, the login script calling a login routine associated with the network host that operationally manages the configuration of the network client;

installing a start-up routine with the login routine, the start-up routine associated with the network client;

using the start-up routine to determine an operating system of the network client; and

managing configuration of the operating system of the network client with the start-up routine according to the operating system of the network client.

2. The method according to Claim 1 wherein the managing the start-up step further comprises the steps of:

directing the network client to install predetermined local utilities; and

directing the network client to load predetermined network utilities.

3. The method according to Claim 1 further comprising the steps of  
initiating a login routine with the login script; and  
using the login routine to initiate the start-up routine on the network client.

4. The method according to Claim 3 wherein the login routine resides on the network host.

5. The method according to Claim 3 wherein the start-up routine resides on the network client.

6. The method according to Claim 1 wherein the operating system comprises one of either Windows NT or Windows 95.

7. The method according to Claim 2 wherein the start-up routine installs the predetermined local utilities according to launch manager values.

8. The method according to Claim 7 further comprising the step of setting launch manager values with a launch manager.

9. A method for centrally managing plural network clients interfaced with a network host, the method comprising the steps of:

- initiating a login script at a network client;
- automatically calling a login routine, the login routine operationally managing configuration of an operating system of the network client;
- using the login routine to install a start-up routine on the network client; and
- automatically calling the start-up routine, the start-up routine operationally managing the start-up of the network client.

10. The method according to Claim 9 wherein the start-up routine manages the start-up of the network client by performing a method comprising the steps of:

- directing the network client to install predetermined local utilities; and
- directing the network client to load predetermined network utilities.

11. The method according to Claim 10 wherein the login routine manages the configuration of the network client by performing a method comprising the steps of:

- gathering system information;
- creating standard directories;
- determining the operating system of the network client;
- installing default applications; and
- establishing a desktop configuration.

12. The method according to Claim 11 wherein the establishing a desktop configuration step comprises the step of installing the launch manager.

13. The method according to Claim 12 wherein the login routine resides on the network server.

14. The method according to Claim 12 wherein the launch manager resides on the network client.

15. The method according to Claim 12 wherein at least one network client has a Windows 95 operating system.

16. The method according to Claim 15 wherein at least one network client has a Windows NT operating system.

17. A system for central management of plural network clients interfaced with a network host, each network client having an operating system, the system comprising:

a start-up routine associated with each network client, the start-up routine operational to determine the network client operating system, and to direct network clients to install predetermined local utilities, the start-up routine further operational to direct network clients to load predetermined network utilities; and

a login routine associated with each network client, the login routine operational to install the start-up routine, to determine the network client operating system, and to manage configuration of the network client operating system according to the determined network client operating system.

18. The system according to Claim 17 wherein the network comprises a local area network.

19. The system according to Claim 17 wherein the network comprises a wide area network.

20. The system according to Claim 17 further comprising a launch manager associated with each network client, the launch manager operational to define the local utilities installed on each network client by the start-up routine.

21. The system according to Claim 17 wherein each network client has an operating system, and wherein at least one network client has a Windows 95 operating system and at least one network client has a Windows NT operating system.

22. A method for establishing the configuration of network workstations, the method comprising:

initiating login of one or more workstations to the network;

loading a start-up routine to the one or more workstations, the start-up routine having instructions for workstation configuration;

initiating operation of the start-up routine instructions with a message sent over the network to the one or more workstations; and

configuring an operating system of the workstation according to the start-up routine instructions.

23. The method of Claim 22 further comprising:

determining an exception to the start-up routine instructions for a predetermined workstation; and

preventing the initiation of start-up routine instructions associated with the exception.

24. The method of Claim 23 wherein preventing the initiation of instructions further comprises sending a message over the network to the predetermined workstation to identify start-up routine instructions.

25. The method of Claim 22 further comprising:

executing the start-up routine instructions on the workstation to initiate a pulse tool on the workstation; and

monitoring a network queue with the pulse tool to determine actions for the workstation.

26. The method of Claim 25 wherein the start-up routine instructions comprise the pulse tool.

27. The method of Claim 22 wherein the configuration comprises an application, the application loaded with the start-up routine, the method further comprising:

    sending a message to the workstation over the network to approve or defer installation of the application; and

    deferring installation of the application if an approval message is not returned by the workstation.

28. The method of Claim 27 further comprising:

    sending one or more additional messages to the workstation over the network to approve or defer installation of the application;

    tracking the number of deferrals of the installation; and

    sending a message to the workstation to initiate installation of the application without approval after a tracking a predetermined number of deferrals.

29. A system for configuration of workstations associated with a network, the system comprising:

a login tool that receives login requests from the workstations; and

a start-up tool called by the login tool upon receipt of a login request, the start-up tool providing configuration instructions for configuring an operating system of the workstation to the workstation making the login request;

wherein a message sent through the network to the workstation initiates the configuration instructions for configuring the operating system of the workstation.

30. The system of Claim 29 wherein the configuration instructions comprise predetermined desktop icons.

31. The system of Claim 29 wherein the configuration instructions comprise an application, the message initiating installation of the application.

32. The system of Claim 29 wherein the configuration instructions comprise a pulse tool, the pulse tool for monitoring a network queue on a predetermined schedule to provide emergency management of the workstation based on instructions received in the queue.

33. The system of Claim 32 further comprising a user message tool associated with the pulse tool, the user message tool for disseminating information associated with emergency management detected by the pulse tool.

34. The system of Claim 29 further comprising:  
a text tool operational to identify workstation configuration exceptions, the text tool preventing initiation of predetermined configuration instructions by a workstation.

35. The system of Claim 29 further comprising:  
an information tool associated with the network, the information tool for disseminating information to workstations, the information tool sending a message to one or workstations to display information based on instructions stored on the workstation by the start-up tool.

36. The system of Claim 35 wherein the displayed information comprises information displayed through a browser.

37. The system of Claim 36 wherein the displayed information comprises a sample screen shot of an installed application.

38. The system of Claim 36 wherein the displayed information comprise a hot link to an intranet site.

39. The method of Claim 1, wherein managing configuration of the operating system of the network client comprises managing configuration of one or more of:

one or more network communication protocols associated with the operating system of the network client;

one or more patches associated with the operating system of the network client;

one or more network security releases associated with the operating system of the network client; and

one or more site-specific configuration requirements associated with the operating system of the network client.

40. The method of Claim 9, wherein managing configuration of the operating system of the network client comprises managing configuration of one or more of:

one or more network communication protocols associated with the operating system of the network client;

one or more patches associated with the operating system of the network client;

one or more network security releases associated with the operating system of the network client; and

one or more site-specific configuration requirements associated with the operating system of the network client.

41. The method of Claim 17, wherein managing configuration of the operating system of the network client comprises managing configuration of one or more of:

one or more network communication protocols associated with the operating system of the network client;

one or more patches associated with the operating system of the network client;

one or more network security releases associated with the operating system of the network client; and

one or more site-specific configuration requirements associated with the operating system of the network client.

42. The method of Claim 22, wherein configuring the operating system of the network client comprises configuring one or more of:

one or more network communication protocols associated with the operating system of the network client;

one or more patches associated with the operating system of the network client;

one or more network security releases associated with the operating system of the network client; and

one or more site-specific configuration requirements associated with the operating system of the network client.

43. The system of Claim 29, wherein the instructions for configuring the operating system of the workstation comprise instructions for configuring one or more of:

one or more network communication protocols associated with the operating system of the workstation;

one or more patches associated with the operating system of the workstation;

one or more network security releases associated with the operating system of the workstation; and

one or more site-specific configuration requirements associated with the operating system of the workstation.

**Appendix B**



US005742829A

**United States Patent** [19]

Davis et al.

[11] Patent Number: **5,742,829**[45] Date of Patent: **Apr. 21, 1998**

[54] **AUTOMATIC SOFTWARE INSTALLATION  
ON HETEROGENEOUS NETWORKED  
CLIENT COMPUTER SYSTEMS**

[75] Inventors: **Michael L. Davis; Or Ben-Natan**, both  
of Bellevue; **Bruce W. Copeland**,  
Redmond, all of Wash.

[73] Assignee: **Microsoft Corporation**, Redmond,  
Wash.

[21] Appl. No.: **403,246**

[22] Filed: **Mar. 10, 1995**

[51] Int. Cl.<sup>6</sup> ..... **G06F 9/45**

[52] U.S. Cl. .... **395/712**

[58] Field of Search ..... **395/700, 650**

[56] **References Cited****U.S. PATENT DOCUMENTS**

5,019,963	5/1991	Alderson et al.	395/600
5,142,680	8/1992	Ottman et al.	395/700
5,144,692	9/1992	Baker et al.	395/650
5,155,847	10/1992	Kirouac et al.	395/700
5,247,683	9/1993	Holmes et al.	395/700
5,327,563	7/1994	Singh	395/700
5,361,358	11/1994	Cox et al.	395/700
5,367,686	11/1994	Fisher et al.	395/700

5,381,534	1/1995	Shi	395/700
5,421,009	5/1995	Platt	395/600
5,432,937	7/1995	Tevanian et al.	395/700
5,473,772	12/1995	Halliwell et al.	395/650
5,485,370	1/1996	Moss et al.	364/408

*Primary Examiner*—Emanuel T. Voeltz

*Assistant Examiner*—Peter J. Corcoran, III

*Attorney, Agent, or Firm*—Seed and Berry LLP

[57] **ABSTRACT**

The present invention provides for automatically installing software on heterogeneous client computer systems. In a distributed system having heterogeneous computer systems of different natural languages, different operating system types, and/or different processor types, the present invention automatically installs the appropriate edition of software onto client computers. The present invention installs an edition of software appropriate for execution on a particular processor type, with a particular operating system type and in a particular natural language by utilizing commands specific to an operating system type. The present invention automatically installs software in response to the availability of a new version of the software, a change in the operating system of the client computer, a change in the associated natural language of the client computer, or in response to input of the administrator of the distributed system.

**29 Claims, 8 Drawing Sheets**